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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Richard Wodzianek

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EXAMINER

SHIFERAW, ELENI A

ART UNIT

PAPER NUMBER

2136

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/017,212

Applicant(s)

WODZIANEK ET AL.

Examiner

Eleni A. Shiferaw

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/27/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/27/2006 has been entered.
2. Claims 1-27 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1-8, 10-14, 16-18, 20-21, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bialick et al. (Bialick Patent Number: 6,003,135) in view of Perona et al. USPN 6,671,809 B1.

As per claim 1, Bialick teaches a method comprising: in a portable data device (fig. 3B element 311), checking a wireless network card for a stored platform discrimination indication (col. 2 lines 32-47, col. 9 lines 45-col. 10 lines 10, and col. 13 lines 11-61); and depending on the value of the platform discrimination indication, inhibiting or allowing data transfer, using the wireless network card (col. 6 lines 46-lines 53, col. 10 lines 26-49, and fig. 5 No. 5).

Applicant amends to include the data transfer is across a wireless network, and argues that applied reference Kawashima does not disclose a data transfer across network that is dependent upon a platform discrimination indication of a wireless network card where the platform discrimination indication dependent upon a type of a portable data device. However, The examiner respectfully disagrees with the applicant's contentions and would like to draw the Applicant's attention to fig. 3A element 303 and col. 6 lines 63-col. 7 lines 9 wherein Bialick et al. discloses a communication interface can be any of a variety of communication interfaces, such as a wireless communications interface, a PCMCIA interface, a serial such as an RS-232 interface, and SCSI interface. It is clear that data is communicated through/across a wireless network. However, for argument sake, the examiner would like to draw applicant's attention to col. 3 lines 25-col. 4 lines 43, fig. 1-2, and col. 2 lines 58-col. 3 lines 23 of Perona et al. wherein the computing platform 20, of the wireless information transmitting system (WITS), which includes platform indication information that uniquely identifies the platform where checked by other software components and rules information that includes conventional types of vendor-specific rules to instantiate/load application by performing a series of two-way rule checks and transfer data across wireless network.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the teachings of Perona et al. rules within the system of Bialick because a rule would discriminate the type of wireless devices. One would have been motivated to incorporate the teachings of platform indicator rule checking of the wireless device to types of device because it would allow, a service provider, to charge a user different rate of prices based on the type of devices.

As per claim 10, Bialick teaches a method comprising: at a first device (fig. 3B element 311), using an input electronic ID of a wireless network card (col. 11 lines 32-58) to determine a first key value (col. 18 lines 48-59, col. 14 lines 3-18, and col. 21 lines 28-50); at a portable data device not the first device (col. 18 lines 57-59), using the first key value to calculate a calculated ID value (col. 18 lines 48-59, col. 21 lines 28-50); and at the portable data device, comparing the calculated ID value to the electronic ID of the wireless network card so that if the calculated ID value matches the electronic ID of the wireless network card data transmissions from the portable data device through the wireless network card are enabled (col. 6 lines 46-53, and col. 21 lines 39-43).

Applicant amends to include the data transfer is across a wireless network, and argues that applied reference Kawashima does not disclose a data transfer across network that is dependent upon a platform discrimination indication of a wireless network card where the platform discrimination indication dependent upon a type of a portable data device. However, The examiner respectfully disagrees with the applicant's contentions and would like to draw the Applicant's attention to fig. 3A element 303 and col. 6 lines 63-col. 7 lines 9 wherein Bialick et al. discloses a communication interface can be any of a variety of communication interfaces, such as a wireless communications interface, a PCMCIA interface, a serial such as an RS-232 interface, and SCSI interface. It is clear that data is communicated through/across a wireless network. However, for argument sake, the examiner would like to draw applicant's attention to col. 3 lines 25-col. 4 lines 43, fig. 1-2, and col. 2 lines 58-col. 3 lines 23 of Perona et al. wherein the computing platform 20, of the wireless information transmitting system (WITS), which

includes platform indication information that uniquely identifies the platform where checked by other software components and rules information that includes conventional types of vendor-specific rules to instantiate/load application by performing a series of two-way rule checks and transfer data across wireless network.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the teachings of Perona et al. rules within the system of Bialick because a rule would discriminate the type of wireless devices. One would have been motivated to incorporate the teachings of platform indicator rule checking of the wireless device to types of device because it would allow, a service provider, to charge a user different rate of prices based on the type of devices.

As per claim 27, Bialick teaches a wireless network card software driver for a portable data device (fig. 3B element 311 and 312), the wireless network card software driver adapted to implement the steps of: checking wireless network card for platform discrimination indication (col. 2 lines 32-47, col. 9 lines 45-col. 10 lines 10, and col. 13 lines 11-61); using platform discrimination indication to determine whether to enable data transfer using the wireless network card (col. 6 lines 46-lines 53, col. 10 lines 26-49, and fig. 5 No. 5); if data transfer not enabled (col. 13 lines 31-34), prompting user for key value (col. 14 lines 3-18); using key value to determine a calculated ID value (col. 21 lines 39-43); comparing the calculated ID value with ID value obtained from wireless network card; if calculated ID value matches ID value obtained from wireless network card, modifying platform discrimination indication in wireless network

card to enable data transfer using the wireless network card (col. 6 lines 46-53, col. 6 lines 45-53, and col. 21 lines 39-43).

Applicant amends to include the data transfer is across a wireless network, and argues that applied reference Kawashima does not disclose a data transfer across network that is dependent upon a platform discrimination indication of a wireless network card where the platform discrimination indication dependent upon a type of a portable data device. However, The examiner respectfully disagrees with the applicant's contentions and would like to draw the Applicant's attention to fig. 3A element 303 and col. 6 lines 63-col. 7 lines 9 wherein Bialick et al. discloses a communication interface can be any of a variety of communication interfaces, such as a wireless communications interface, a PCMCIA interface, a serial such as an RS-232 interface, and SCSI interface. It is clear that data is communicated through/across a wireless network. However, for argument sake, the examiner would like to draw applicant's attention to col. 3 lines 25-col. 4 lines 43, fig. 1-2, and col. 2 lines 58-col. 3 lines 23 of Perona et al. wherein the computing platform 20, of the wireless information transmitting system (WITS), which includes platform indication information that uniquely identifies the platform where checked by other software components and rules information that includes conventional types of vendor-specific rules to instantiate/load application by performing a series of two-way rule checks and transfer data across wireless network.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the teachings of Perona et al. rules within the system of Bialick because a rule would discriminate the type of wireless devices. One would have been motivated to incorporate the teachings of platform indicator rule checking of the wireless device

to types of device because it would allow, a service provider, to charge a user different rate of prices based on the type of devices.

As per claim 2, Bialick and Perona teach all the subject matter as described above. In addition, Bialick discloses the method, wherein the portable data device is a notebook computer (col. 1 lines 29-33).

As per claim 3, Bialick and Perona teach all the subject matter as described above. In addition, Bialick discloses the method, wherein if the data transfer is inhibited, the portable data device requests an upgrade key value (col. 13 lines 31-34, col. 14 lines 3-18).

As per claim 4, Bialick and Perona teach all the subject matter as described above. In addition, Bialick discloses the method, wherein if an upgrade key (PIN/access key) value is provided by a user, the portable data device calculates a unique calculated I.D. value (col. 14 lines 3-18, col. 21 lines 28-50; key encryption decryption exchange is introduced).

As per claim 5, Bialick and Perona teach all the subject matter as described above. In addition, Bialick discloses the method, wherein the calculated I.D. value is compared to a unique electronic I.D. value stored in the wireless network card (col. 21 lines 39-50; digital signature/hash is suggested).

As per claim 6, Bialick and Perona teach all the subject matter as described above. In addition, Bialick discloses the method, wherein if the calculated I.D. value matches the electronic I.D.

value of the wireless network card, transmissions from the portable computer to the wireless network card are enabled (col. 21 lines 39-50).

As per claim 7, Bialick and Perona teach all the subject matter as described above. In addition, Bialick discloses the method, wherein the platform discrimination indicates the value in the wireless network card is modified when transmissions are enabled (col. 10 lines 26-49, fig. 5 element 5).

As per claim 8, Bialick and Perona teach all the subject matter as described above. In addition, Bialick discloses the method, wherein the key value is obtained by providing the unique electronic I.D. value of the wireless network card to a program that calculates the key value (col. 21 lines 39-50).

As per claim 11, Bialick and Perona teach all the subject matter as described above. In addition, Bialick discloses the method, wherein the first key is a platform activator key (col. 14 lines 3-18).

As per claim 12, Bialick and Perona teach all the subject matter as described above. In addition, Bialick discloses the method, wherein when the calculated I.D. value matches the electronic I.D. value of the wireless network card, a platform discrimination indication on the wireless network card is modified (col. 21 lines 39-50, col. 10 lines 26-49, and fig. 5 element 5).

As per claim 13, Bialick and Perona teach all the subject matter as described above. In addition, Bialick discloses the method, wherein the platform discrimination indication is checked before transmitting from the wireless network card using one type of portable data device (col. 2 lines 32-47, and col. 9 lines 45-col. 10 lines 10).

As per claim 14, Bialick and Perona teach all the subject matter as described above. In addition, Bialick discloses the method, wherein other types of portable data devices do not require a check of the platform discrimination indication before operation (col. 13 lines 38-61).

As per claim 16, Bialick and Perona teach all the subject matter as described above. In addition, Bialick discloses the method, wherein the production of the key value is done using an encryption algorithm (col. 21 lines 44-50).

As per claim 17, Bialick and Perona teach all the subject matter as described above. In addition, Bialick discloses the method, wherein the production of the calculated I.D. value is done using a decryption algorithm (col. 21 lines 13-50).

As per claim 18, Bialick and Perona teach all the subject matter as described above. In addition, Bialick discloses the method, wherein the portable data device includes a device driver (fig. 3B element 311).

As per claim 20, Bialick and Perona teach all the subject matter as described above. In addition,

Bialick discloses the method, wherein the electronic I.D. value is stored on the wireless network card (col. 11 lines 32-58).

As per claim 21, Bialick and Perona teach all the subject matter as described above. In addition, Bialick discloses the method, in which a personal computer obtains the electronic I.D. from the wireless network card electronically (col. 11 lines 32-58).

As per claim 26 Bialick and Perona teach all the subject matter as described above. In addition, Bialick discloses the wireless network card wherein the user takes an electronic I.D. of the wireless network card (col. 11 lines 32-58), uses the electronic I.D. of the wireless network card to produce a first key value (col. 18 lines 48-59), this first key value is then used by the personal portable data device to calculate a calculated I.D. (col. 21 lines 28-50), if the calculated I.D. matches the electronic I.D. of the wireless network card, the platform discrimination indication is modified to allow the wireless network card to operate with the expanded set of portable data devices (col. 6 lines 46-53, col. 6 lines 45-53, and col. 21 lines 39-43).

5. Claims 9 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Bialick et al. (Bialick Patent Number: 6,003,135) in view of Okada et al. (Patent No.: US 6,374,315 B1) and Perona et al. USPN 6,671,809 B1.

As per claim 22, Bialick teaches a wireless network card for use with portable data devices (fig. 3B element 311 and 312), the wireless network card including a stored platform discrimination

indication (col. 2 lines 32-47, col. 9 lines 45-col. 10 lines 10, and col. 13 lines 11-61), Bialick teaches checking a wireless network card for a stored platform discrimination indication for a type of wireless network card and transfer data. Bialick does not explicitly teach the value of the platform discrimination indication determining whether the wireless network card can be used with a given type of portable data device, one value of the platform discrimination indication allowing the wireless network card to be used with a restricted set of portable data devices, another value of the platform discrimination indication allowing the use of the wireless network card with an expanded set of portable data devices, the expanded set of portable data devices including the restricted set of portable data devices as well as additional portable data devices not included in the restricted set of portable data devices.

However Okada teaches a wireless network card/PCMCIA with a discrimination indication data stored on the card to allow the external storage device to be controlled by the host computer (col. 2 lines 53-55, col. 6 lines 24-36, and col. 7 lines 51-67).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the teachings of Okada within the system of Bialick because they are analogous in wireless network card data transfer (fig. 2 no. 62 and 10). One skilled in the art would have been motivated to modify the teachings of Okada within the system of Bialick because it'd restrict/discriminate the wireless network card to be used in certain wireless devices in order to charge the notebook user less amount (for less traffic) than laptop user.

Applicant amends to include the data transfer is across a wireless network, and argues that applied references Kawashima and Okada do not disclose a data transfer across network that

is dependent upon a platform discrimination indication of a wireless network card where the platform discrimination indication dependent upon a type of a portable data device. However, The examiner respectfully disagrees with the applicant's contentions and would like to draw the Applicant's attention to fig. 3A element 303 and col. 6 lines 63-col. 7 lines 9 wherein Bialick et al. discloses a communication interface can be any of a variety of communication interfaces, such as a wireless communications interface, a PCMCIA interface, a serial such as an RS-232 interface, and SCSI interface. It is clear that data is communicated through/across a wireless network. However, for argument sake, the examiner would like to draw applicant's attention to col. 3 lines 25-col. 4 lines 43, fig. 1-2, and col. 2 lines 58-col. 3 lines 23 of Perona et al. wherein the computing platform 20, of the wireless information transmitting system (WITS), which includes platform indication information that uniquely identifies the platform where checked by other software components and rules information that includes conventional types of vendor-specific rules to instantiate/load application by performing a series of two-way rule checks and transfer data across wireless network.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the teachings of Perona et al. rules within the system of Bialick and Okada because a rule would discriminate the type of wireless devices. One would have been motivated to incorporate the teachings of platform indicator rule checking of the wireless device to types of device because it would allow, a service provider, to charge a user different rate of prices based on the type of devices.

As per claim 23, Bialick, Okada and Perona teach subject matter as described above. In addition Okada teaches the wireless network card wherein the restricted set of portable data devices

includes a personal digital assistant but does not include notebook computers (col. 2 lines 53-55, col. 6 lines 24-36, and col. 7 lines 51-67). The rational for combining are the same as claim 22 above.

As per claim 24, Bialick, Okada and Perona teach subject matter as described above. In addition Okada teaches the wireless network card wherein the expanded set of portable data devices includes notebook computers (col. 2 lines 53-55, col. 6 lines 24-36, and col. 7 lines 51-67). The rational for combining are the same as claim 22 above.

As per claim 25, Bialick, Okada and Perona teach subject matter as described above. In addition Okada teaches the wireless network card in which the platform discrimination indication can be upgraded from the restricted set of portable data devices to the expanded set (col. 2 lines 53-55, col. 6 lines 24-36, and col. 7 lines 51-67). The rational for combining are the same as claim 22 above.

6. Claims 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Bialick et al. (Bialick Patent Number: 6,003,135) in view of Perona et al. USPN 6,671,809 B1 and Alexander et al. (Alexander Patent Number: 6,134,593).

As per claim 15, Bialick and Perona teach all the subject matter as described above.

Bialick and Perona fail to explicitly teach the method, in which fees are charged when the first device provides the first key value.

However Alexander teaches the method which fees are charged when the key value is provided (Abstract; fees are charged when a user transmits a computing device identifier). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Alexander within the combination system of Bialick and Perona because it would allow to process payment and grant access to software applications.

As per claim 19, Bialick and Alexander teach all the subject matter as described above. In addition, Alexander teaches the method, in which a cell service provider is used to provide the first key value (Abstract).

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bialick et al. (Bialick Patent Number: 6,003,135) in view of Perona et al. USPN 6,671,809 B1 in view of Okada et al. (Patent No.: US 6,374,315 B1).

As per claim 9, Bialick and Perona teach, all the subject matter, the method, wherein the platform discrimination indication determines whether the wireless network card can be used with the given type of portable data device (Bialick col. 2 lines 32-47, col. 9 lines 45-col. 10, col. 14 lines 24-25),

Bialick teaches checking a wireless network card for a stored platform discrimination indication for a type of wireless network card and transfer data. Bialick does not explicitly teach one value of the platform discrimination indication allowing the wireless network card to be used with a restricted set of the portable data devices, another value of the platform discrimination indication

allowing the use of the wireless network card with an expanded set of portable data devices, the expanded set of portable data devices including the restricted set of portable data devices, as well as additional portable data devices not included in the restricted set of portable data devices.

However Okada teaches a wireless network card/PCMCIA with a discrimination indication data stored on the card to allow the external storage device to be controlled by the host computer (col. 2 lines 53-55, col. 6 lines 24-36, and col. 7 lines 51-67).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the teachings of Okada within the system of Bialick and Perona because they are analogous in wireless network card data transfer (fig. 2 no. 62 and 10). One skilled in the art would have been motivated to modify the teachings of Okada within the system of Bialick because and Perona because it'd restrict/discriminate the wireless network card to be used in certain wireless devices in order to charge the notebook user less amount (for less traffic) than laptop user.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A. Shiferaw whose telephone number is 571-272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

E.S.

May 30, 2006

A handwritten signature in black ink, followed by the date "06/14/06" written vertically.